

9182-1(13)

Harwood Lloyd, LLC

Gregory J. Irwin (GJI)

130 Main Street

Hackensack, New Jersey 07601

(201) 487-1080

Attorneys for Plaintiff, Margaret McMahon

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

**DOCUMENT ELECTRONICALLY FILED**

MARGARET McMAHON

Plaintiff,

v.

TRUMP TAJ MAHAL CASINO HOTEL,  
TRUMP ENTERTAINMENT RESORTS, INC.  
ABC COS. 1-20 (fictitious names for presently  
unknown entities), JOHN DOES 1-20  
(fictitious names for presently unknown  
persons), XYZ COS. 1-20 (fictitious names for  
presently unknown entities), MARY MOES 1-  
20 (fictitious names for presently unknown  
persons), LARRY LOES 1-20 (fictitious names  
for presently unknown persons),

Defendants.

Civil Action No. \_\_\_\_\_

**COMPLAINT AND JURY DEMAND**

Plaintiff Margaret McMahon ("Plaintiff") at 4260 Katonah Avenue, Apt. 7E, Bronx, New York, by way of Complaint against Defendants Trump Taj Mahal Casino Hotel doing business at 1000 Boardwalk at Virginia Avenue in Atlantic City, New Jersey, Trump Entertainment Resorts, Inc., with principle place of business at 15 South Pennsylvania Avenue, Atlantic City, New Jersey,

ABC Cos. 1-20 (fictitious names for presently unknown entities), John Does 1-20 (fictitious names for presently unknown persons), XYZ Cos.. 1-20 (fictitious names for presently unknown entities), JANE COES 1-20 (fictitious names for presently unknown persons), LARRY LOES (fictitious names for presently unknown persons) says as follows:

### **PARTIES**

1. Plaintiff Margaret McMahon in an individual residing at 4260 Katonah Avenue, Apt. 7E, Bronx, New York.
2. Defendant Trump Taj Mahal Casino Hotel operates a place of accommodation and entertainment at 1000 Boardwalk at Virginia Avenue in Atlantic City, New Jersey (“the Taj Mahal premises”).
3. Upon Information and belief, Defendant Trump Entertainment Resorts, Inc., a Delaware Corporation with a principle place of business at 15 South Pennsylvania Avenue, Atlantic City, New Jersey, owns Defendant Trump Taj Mahal Casino Hotel and the Taj Mahal premises.
4. ABC Cos. 1-20 (fictitious names for presently unknown entities) owned, leased, rented, operated, supervised, managed, and/or controlled the Taj Mahal premises at all relevant times.
5. John Does 1-20 (fictitious names for presently unknown persons) owned, leased, rented, operated, supervised, managed, and/or controlled Taj Mahal premises at all relevant times.
6. XYZ Cos. 1-20 (fictitious names for presently unknown entities) were responsible for operation, control, construction, installation, manufacture, design, repair and/or of the Taj Mahal premises and/or the fixtures, components or structures thereon.
7. Mary Moes 1-20 (fictitious names for presently unknown persons) were responsible

for operation, control, construction, installation, manufacture, design, repair and/or of the Taj Mahal premises and/or the fixtures, components or structures thereon.

8. Larry Loes, 1-20 (fictitious names for presently unknown persons) were employees of Defendant Trump Taj Mahal Casino Hotel and/or Defendant Trump Entertainment Resorts, Inc. on or about December 9, 2008.

### **JURISDICTION**

9. Jurisdiction in this case is based upon diversity of citizenship under 28 U.S.C. § 1332, in that the parties to this action are citizens of different states and the amount in controversy, exclusive of interest and costs, is in excess of \$75,000.00.

### **VENUE**

10. Venue is proper in this District pursuant to 28 U.S.C. § 1391(a) because a substantial part of the acts or omissions giving rise to this action occurred in this District.

### **FIRST COUNT**

11. On or about December 9, 2008, Plaintiff was lawfully on the Taj Mahal premises.

12. At the aforesaid time the Taj Mahal premises were owned, leased, rented, operated, supervised, managed, and/or controlled by the Defendants, Trump Taj Mahal Casino Hotel, Trump Entertainment Resorts, Inc., ABC Cos. 1-20 (fictitious names for presently unknown entities), hereinafter collectively, John Does 1-20 (fictitious names for presently unknown persons)

13. At the aforementioned time and place, Defendants, Trump Taj Mahal Casino Hotel, Trump Entertainment Resorts, Inc., ABC Cos. 1-20, John Does 1-20, jointly, several and/or concurrently, were under a duty to use reasonable care to maintain the Taj Mahal premises in a safe condition so that occupants could use the same and its facilities in safety.

14. At the aforesaid time and place, Defendants, Trump Taj Mahal Casino Hotel, Trump Entertainment Resorts, Inc., ABC Cos. 1-20, John Does 1-20, by their joint, several and concurrent negligence and tortious conduct, did negligently and carelessly cause or permit a dangerous condition to exist on the aforementioned premises, negligently failed to warn the Plaintiff of the dangerous and hazardous conditions existing on the Taj Mahal premises, negligently and carelessly failed to provide a reasonably safe premises for the invitees, and were otherwise negligent.

15. Defendants, Trump Taj Mahal Casino Hotel, Trump Entertainment Resorts Inc., ABC Cos. 1-20, John Does 1-20, had notice of the unsafe conditions and failed and neglected to remedy or abate said conditions and to protect persons such as the Plaintiff from the dangers created by such conditions.

16. As a direct and proximate result of the aforesaid negligence of Defendants, Trump Taj Mahal Casino Hotel, Trump Entertainment Resorts, Inc., ABC Cos. 1-20, John Does 1-20, Plaintiff slipped and fell.

17. As a result of the aforementioned negligence of Defendants, Trump Taj Mahal Casino Hotel, Trump Entertainment Resorts, Inc., ABC Cos. 1-20, John Does 1-20, Plaintiff was severely injured, disabled and disfigured, suffered permanent injuries which have required extensive medical care and treatment, has suffered and will continue to suffer, great pain and torment, both mental and physical, and was and will be forced to spend substantial sums of money on medical treatment, and was and will be prevented from attending to her usual activities and was caused to suffer temporary and permanent disability, all to her detriment and was prevented from engaging in normal activities and pursuits and did thereby incur lost wages.

WHEREFORE, Plaintiff, Margaret McMahon, demands judgment jointly, severally or in the alternative against Defendants, Trump Taj Mahal Casino Hotel, Trump Entertainment Resorts, Inc., ABC Cos. 1-20, John Does 1-20, for money damages, interest, counsel fees, costs and other relief as deemed by the court to be fair, just and equitable.

**SECOND COUNT**

18. Plaintiff repeats the allegations contained in First Count at length herein and make them a part hereof.

19. Defendants, Trump Taj Mahal Casino Hotel, Trump Entertainment Resorts, Inc., ABC Cos. 1-20, John Does 1-20, and XYZ Co. #1-20 (fictitious names for presently unknown) Mary Moes #1-20 (fictitious names for presently unknown persons) were at all relevant time responsible for operation, control, construction, installation, manufacture, design, repair, and/or maintenance on the Taj Mahal premises and/or the fixtures, components or structures thereon.

20. At the aforementioned time and place, Defendants, Trump Taj Mahal Casino Hotel, Trump Entertainment Resorts, Inc., ABC Cos. 1-20, John Does 1-20, and XYZ Co. #1-20 Mary Moes #1-20, jointly, several and/or concurrently, were under a duty to use reasonable care to maintain the Taj Mahal premises in a safe condition so that occupants could use the same and its facilities in safety.

21. At the aforesaid time and place, Defendants, Trump Taj Mahal Casino, Hotel Trump Entertainment Resorts, Inc., ABC Cos. 1-20, John Does 1-20, and XYZ Co. #1-20, Mary Moes #1-20 by their joint, several and concurrent negligence and tortious conduct, did negligently and carelessly cause or permit a dangerous condition to exist on the aforementioned premises, negligently failed to warn the Plaintiff of the dangerous and hazardous conditions existing on the premises, negligently and carelessly failed to provide a reasonably safe premises

for the invitees, and were otherwise negligent.

22. Defendants, Trump Taj Mahal Casino Hotel, Trump Entertainment Resorts, Inc., ABC Cos. 1-20, John Does 1-20, and XYZ Co. #1-20, Mary Moes #1-20 had notice of the unsafe conditions and failed and neglected to remedy or abate said conditions and to protect persons such as the Plaintiff from the dangers created by such conditions.

23. As a direct and proximate result of the aforesaid negligence of Defendants, Trump Taj Mahal Casino Hotel, Trump Entertainment Resorts, Inc., ABC Cos. 1-20 , John Does 1-20, and XYZ Co. #1-20, Mary Moes #1-20, Plaintiff was severely injured, disabled and disfigured, suffered permanent injuries which have required extensive medical care and treatment, has suffered and will continue to suffer, great pain and torment, both mental and physical, and was and will be forced to spend substantial sums of money on medical treatment, and was and will be prevented from attending to her usual activities and was caused to suffer temporary and permanent disability, all to her detriment and was prevented from engaging in normal activities and pursuits and did thereby incur lost wages.

WHEREFORE, Plaintiff, Margaret McMahon , demands judgment jointly, severally or in the alternative against Defendants, Trump Taj Mahal Casino Hotel, Trump Entertainment Resorts, Inc., ABC Cos. 1-20 , John Does 1-20, XYZ Cos. 1-20, Mary Moes, 1-20 for money damages, interest, counsel fees, costs and other relief as deemed by the court to be fair, just and equitable.

### **THIRD COUNT**

24. Plaintiff repeats the allegations contained in First and Second Counts at length herein and make them a part hereof.

25. On or about December 9, 2008, Defendants Larry Loes, 1-20 (fictitious names for presently unknown persons) were employees of Defendant Trump Taj Mahal Casino Hotel

and/or Defendant Trump Entertainment Resorts, Inc.

26. On or about December 9, 2008, Defendants Larry Loes, 1-20 (fictitious names for presently unknown persons) negligently directed Plaintiff to or through unsafe areas of the Taj Mahal premises and/or committed other negligent acts and omissions that jeopardized the safety of Plaintiff.

27. As a result of the aforementioned negligence of Defendants Larry Loes, 1-20, Plaintiff was severely injured, disabled and disfigured, suffered permanent injuries which have required extensive medical care and treatment, has suffered and will continue to suffer, great pain and torment, both mental and physical, and was and will be forced to spend substantial sums of money on medical treatment, and was and will be prevented from attending to her usual activities and was caused to suffer temporary and permanent disability, all to her detriment and was prevented from engaging in normal activities and pursuits and did thereby incur lost wages.

WHEREFORE, Plaintiff, Margaret McMahon, demands judgment jointly, severally or in the alternative against Defendants, Larry Loes, 1-20 for money damages, interest, counsel fees, costs and other relief as deemed by the court to be fair, just and equitable.

#### **FOURTH COUNT**

28. Plaintiff repeats the allegations contained in First through Third Counts at length herein and make them a part hereof.

29. Defendants, Trump Taj Mahal Casino Hotel, Trump Entertainment Resorts, Inc., ABC Cos. 1-20, John Does 1-20 were negligent in hiring, training, supervising, directing, advising, and/or controlling Defendants Larry Loes, 1-20 (fictitious names for presently unknown persons).

30. As a result of the aforementioned negligence of Defendants, Trump Taj Mahal Casino Hotel, Trump Entertainment Resorts, Inc., ABC Cos. 1-20, John Does 1-20, Plaintiff was severely injured, disabled and disfigured, suffered permanent injuries which have required extensive medical care and treatment, has suffered and will continue to suffer, great pain and torment, both mental and physical, and was and will be forced to spend substantial sums of money on medical treatment, and was and will be prevented from attending to her usual activities and was caused to suffer temporary and permanent disability, all to her detriment and was prevented from engaging in normal activities and pursuits and did thereby incur lost wages.

WHEREFORE, Plaintiff, Margaret McMahon, demands judgment jointly, severally or in the alternative against Defendants, Trump Taj Mahal Casino Hotel, Trump Entertainment Resorts, Inc., ABC Cos. 1-20, John Does 1-20, for money damages, interest, counsel fees, costs and other relief as deemed by the court to be fair, just and equitable.

**DEMAND FOR TRIAL BY JURY**

Plaintiffs hereby demands trial by jury as to all issues raised by the within pleadings.

HARWOOD LLOYD, LLC  
Attorneys for Plaintiff, Margaret McMahon

By: 

GREGORY J. IRWIN (6798)  
130 Main Street  
Hackensack, New Jersey 07601  
Tele: (201) 487-3630  
Fax: (201) 487-4758  
[girwin@harwoodlloyd.com](mailto:girwin@harwoodlloyd.com)

**CERTIFICATION**



Pursuant to Local Civ. R. 11.2, I hereby certify that there are no other actions or arbitration proceedings pending or contemplated. I further certify that I am unaware of any non-party who should be joined in this action or who is subject to joinder because of potential liability to any party based on the same transactional facts.

HARWOOD LLOYD, LLC  
Attorneys for Plaintiff, Margaret McMahon

By: 

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130 Main Street  
Hackensack, New Jersey 07601  
Tele: (201) 487-3630  
Fax: (201) 487-4758  
[girwin@harwoodlloyd.com](mailto:girwin@harwoodlloyd.com)